

United States District Court
Eastern District of Michigan

United States of America

ORDER OF DETENTION PENDING TRIAL

v.

SURESH CHAND /

Case Number: 09-20215-1

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact☐ (1) I find that:

- ☐ there is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- ☐ under 18 U.S.C. § 924(c).

☐ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

☒ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

☐ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

☒ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ☒ (a) nature of the offense - Mr. Chand is the lead defendant in a 13 Count Indictment charging large scale health care benefits fraud and money laundering. His two primary co-defendants have fled the country.
- ☒ (b) weight of the evidence - The indictment establishes probable cause and the evidence appears to be strong.
- ☒ (c) history and characteristics of the defendant - Defendant is a foreign national (India) and is presently facing removal proceedings unrelated to this case.
 - ☒ 1) physical and mental condition - Good health.
 - ☒ 2) employment, financial, family ties - Has wife, 2 children; employed in health care industry.
 - ☒ 3) criminal history and record of appearance - No criminal history.
- ☐ (d) probation, parole or bond at time of the alleged offense -
- ☐ (e) danger to another person or community -

Defendant has no legal status in the United States and is subject to exclusion. He will certainly be excluded if he is convicted in this case. The evidence appears to be substantial, and the two primary co-conspirator defendants have already fled the country. Defendant admits to significant assets, and the government claims that millions of dollars were generated by the charged offenses. Although defendant has no criminal history, and Pretrial Services recommends bond, I consider the defendant a flight risk. He faces a minimum guideline sentence of 10 years if convicted on all counts. His future in this country is extremely doubtful, and he has a strong motive to abscond. Most of the assets generated by the alleged offenses have not been found. Despite recently improved security measures, the US/Canadian border is relatively easy to cross by water.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge

Date: June 25, 2009